

S/N 10/080,890
Huitao Luo

Atty Docket No. 10017759-1
HEWP0042
Page 6

REMARKS

Claims 1-22 are pending in the current application. Applicant has amended claims 1, 11 and 18. Reexamination and reconsideration of all claims, as amended, are respectfully requested.

Applicant appreciates the recent discussion between the Examiner and Applicant's attorney and the Examiner's assistance in placing this case in form for allowance.

As this Amendment After Final is being transmitted within two months from the date of the August 22, 2005 Office Action, Applicant respectfully requests an Advisory Action by the end of the third month, i.e. on or before November 22, 2005.

§ 112

The Office Action rejected claims 11 and 18 pursuant to 35 U.S.C. § 112 based on certain language related to the "chromatic component" wording of the claims. No other rejection was made regarding claims 11-22 beyond the § 112 rejection, indicating that the claims would be allowable over the references of record if Applicant addressed the § 112 rejection.

Applicants specifically note the suggestion, at page 7 of the Office Action, to delete the phrase "calculated from the gray-scale component" from the last line of claims 11 and 18.

Applicants have deleted the phrase "calculated from the gray-scale component" from the last line of claims 11 and 18.

Applicants have also amended claim 1 to include similar language, and respectfully submit that this amendment places claim 1 generally commensurate in scope and form with claims 11 and 18 and makes claim 1 allowable. Based on the indication in the Office Action that claims 11 and 18 are allowable but for the § 112 problems addressed by the enclosed amendments, and the amendment to claim 1 conforming generally in scope and form with amended claims 11 and 18, Applicant

S/N 10/080,890
Huitao Luo

Atty Docket No. 10017759-1
HEWP0042
Page 7

submits that claim 1 is also in form for allowance in view of §§ 112, 102, and 103.
*See 37 C.F.R. §1.116 (“After a final rejection or other final action (1.113), amendments may be made cancelling claims or complying with any requirement of form expressly set forth in a previous Office action.”) (emphasis added)*¹.

Accordingly, it is respectfully submitted that all pending claims fully comply with 35 U.S.C. §§ 102, 103, and 112.

¹ Applicant submits that amendment of claim 1 does not touch the merits of the present case beyond the amendments previously made to claims 11 and 18. Furthermore, the present amendments were not made sooner due to the contention by Applicant that the previous version of claim 1 was allowable over the cited references, a contention Applicant does not waive by presenting the present amendment to claim 1. Applicant simply amends claim 1 to obtain allowance of additional claims based on the reasoning presented in the Office Action.

S/N 10/080,890
Huitao Luo

Atty Docket No. 10017759-1
HEWP0042
Page 8

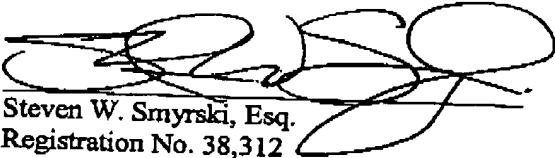
CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for allowance. Reexamination and reconsideration of all of the claims are respectfully requested, and allowance of all the claims at an early date is solicited.

Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this application to Deposit Account 08-2025.

Respectfully submitted,

Date: October 21, 2005


Steven W. Smyrski, Esq.
Registration No. 38,312

SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 Airport Avenue, SW
Santa Monica, California 90405-6118
Phone: 310.397.9118
Fax: 310.397.9158